

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**SB 3121 – HB 3282**

June 2, 2010

**SUMMARY OF AMENDMENTS (016657, 018429, 018956):** Deletes all language of the original bill. Requires the court make a determination, whether the driver refused to submit to a test to determine the blood alcohol content, at the time of the preliminary hearing or no later than the case being bound over to the grand jury. Requires the determination be made at the same time as the driving under the influence (DUI) charge if the refusal is a misdemeanor offense. Requires the license suspension for refusal run consecutive to the period of suspension for the DUI if the driver refused the test and has a violation within the past five years of implied consent, underage driving while impaired, open container, or reckless driving (reduced from a DUI). If there is no such prior conviction, the suspension period for refusal runs concurrently with the suspension for DUI. Authorizes the court disposing of a violation to order the Department of Safety to reinstate a person's suspended driver license if the implied consent violation and the offense for which the driver was arrested resulted from the same incident and the offense is dismissed upon a finding that the law enforcement officer lacked sufficient cause to make the initial stop of the driver's vehicle.

**FISCAL IMPACT OF ORIGINAL BILL:**

Increase Local Expenditures – Not Significant

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:**

**Increase State Expenditures – \$40,000/One-Time**

Assumption applied to amendments:

- According to the Department of Safety, changes to current computer programs that post the date a person is eligible to regain driving privileges would be required. A one-time increase to state expenditures of \$40,000.

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White".

James W. White, Executive Director

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/jaw